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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,983	06/14/2005	Giuseppe Bausola	16092US	7514
23676 7590 04/12/2007 SHELDON MAK ROSE & ANDERSON PC 225 SOUTH LAKE AVENUE 9TH FLOOR PASADENA, CA 91101			EXAMINER PANG, ROGER L	
			ART UNIT 3681	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/12/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.		Applicant(s)	
	10/538,983		BAUSOLA ET AL.	
	Examiner		Art Unit	
	Roger L. Pang		3681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6-14-05</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

The following action is in response to application 10/538,983 filed on June 14, 2005.

Drawings

The drawings are objected to because in Fig. 1, part "6" should be replaced with --16--, and the sprocket should be labeled as part --6--. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the motor means, the means for axially sliding the first support, the second support assembled with its axis slanted, the transmission being used for a vehicle, motorcycle, household appliance, and cutting machine must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

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Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

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1) With regard to the axially sliding means. Applicant has claimed in claims 1 and 5 that the transmission is a variable-ratio transmission, including a means for sliding the first support, in order to change the reduction ratio of the transmission. Since the first support is claimed to be assembled idle on a second hollow shaft with a slanted axis (and connected to a motor means), there is no doubt that applicant is referring to part 9 as the first support (using the same labeling as the specification, page 3) and part 5 being the second hollow shaft. On page 5 of the specification, applicant states the axial position of the first support will change the ratio, which support the theory behind the claimed limitations. It can be shown, however, that the only axial displacement means disclosed for this invention would be means (part 3) to axially move the first hollow shaft 2 (see page 3 of the specification).

Looking at both Figures 1 and 2, and the specification, it is unclear how the first support is supposed to axially move to change ratios. The first hollow shaft 2 rotatably supports the second hollow shaft 2 and in-turn the first support 9 via bearings/bushings 4 and 8. From the drawings, it looks as if the axial shifting of hollow shaft 2 will probably axially displace the center assembly (parts 12, 13, 14, etc.) and the bearing/bushing 4 (given the bump stops to hold the bearing/bushing supporting the center assembly. If the second shaft 5 is fixed to the bearing/bushing 4, and can move, then 2 problems are encountered: 1) the axial distance between first support 9 and the center assembly will never change, therefor preventing any ratio change; and 2) seeing as how the second hollow shaft 5 is supported within the housing and connected to the drive sprocket/pinion 6, the whole assembly would have to move axially, which would destroy the housing. Also, it is assumed that axial movement of the drive sprocket/pinion would be unwanted.

Therefor, it is unclear how the first support can be moved axially without destroying the structure of the invention. Disregarding the destruction of the housing, it is unclear how the center assembly and the first support have their respective axial distance manipulated.

2) In claim 7, applicant claims a second support 9' that is assembled with a slanted axis.

This makes sense, otherwise it would be unclear how this second support could ever mesh with the center assembly. It can be shown, however, that on Fig. 1, this slanted axis is not present. In fact, it is believed that the slanted axis of the second support 9' is never disclosed in the specification. Therefor, the drawing does accurately show the disclosed (not the claimed) invention, except for the meshing teeth/rollers of the second support 9' and the center assembly. If Fig. 1 and the disclosure are correct, it is unclear how the second support would ever function within the transmission.

3) Applicant states that rings 15 and 15' are hinged to the external second ring 17 and free-wheel device 17', respectively, through a second pair of pins (see page 4 of the specification).

The second pair of pins are not shown in the drawings (which is stated on page 4), but it is believed that their inclusion within the drawings is crucial. It is unclear how the rings 15, 15' can be hinged to both the supports and the respective free-wheel devices 17, 17'. If they are, then it is unclear, once again, how the first support 9 can be axially moved to change the ratio. Also, it would further complicate the transmission, as the structure of the rings (both hinged to the supports and the free-wheel devices) would need to be disclosed in order to show how they can still function within the transmission.

The invention, as claimed and disclosed (including the drawings), does not enable a variable-ratio transmission device as claimed.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kemper, Maroth, Lemanski, and Poehlau have been cited to show similar transmissions.

FACSIMILE TRANSMISSION

Submission of your response by facsimile transmission is encouraged. The central facsimile number is (571) 273-8300. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase a patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as the PTO's mail room processing and delivery time. For a complete list of correspondence not permitted by facsimile transmission, see MPEP 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee which applicant is paying by check should not be submitting by facsimile transmission separately from the check.

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Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP 512). The following is an example of the format the certification might take:

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on _____ (Date)

Typed or printed name of person signing this certificate:

(Signature)


If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response after your response has been transmitted by facsimile will only cause further unnecessary delays in the processing of your application; duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roger L. Pang whose telephone number is 571-272-7096. The examiner can normally be reached on 5:30am to 4:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Roger L Pang
Primary Examiner
Art Unit 3681

April 11, 2007